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**THE EFFECT OF AMENDING JAPAN'S CONSTITUTION ON**  
**THE PRINCIPLES OF JOINT OPERATIONS OF BILATERAL OPERATIONS**  
**BETWEEN PACOM AND THE JSDF**

by

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**A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.**

**The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.**

**Signature: \_\_\_\_\_**

**04 MAY 2011**

## **Contents**

Introduction	1
Background	3
Analysis	4
Improving Bilateral Principles of Joint Operations	4
Degrading Bilateral Principles of Joint Operations	9
Conclusion	15
Recommendation	17
Bibliography	18

## **Abstract**

Article 9 of the Japanese Constitution prohibits the existence of military forces for any measure except self-defense. Collective Self-Defense (CSD) is beyond this minimum force structure. Should Japan utilize article 96 of their Constitution to amend article 9 and establish a force structure to exercise CSD (under article 51 of the UN charter), the principles of joint operations for bilateral operations between U.S. Pacific Commander (PACOM) and the Japanese Self Defense Force (JSDF) will be impacted.

This paper conducts a critical analysis of what the effect of an amended Japanese Constitution would be on the 12 principles of joint operations for bilateral operations between Japan and the United States. It reveals the majority of the principles would be enhanced; yet the severity of the degraded principles exceeds this enhancement and therefore the aggregate effect on the joint principles of operations is negative.

In order to alleviate Japanese domestic pressure to amend their Constitution, PACOM must continue promoting a robust partnership with the JSDF. By reassuring the Japanese government, people, and JSDF of the commitment of the United States to Japan's security, the motivation to amend article 9 will diminish.

## INTRODUCTION

The mission of the U.S. Pacific Command (PACOM) proclaims, “[PACOM] together with other U.S. Government agencies, protects and defends the United States, its territories, Allies, and interests; alongside Allies and partners, promotes regional security and deters aggression; and, if deterrence fails, is prepared to respond to the full spectrum of military contingencies to restore Asia-Pacific stability and security.”<sup>1</sup> Promoting security and stability is a theater-strategic objective for PACOM. A major influence on this objective has been the steadfast alliance with Japan. For the past 50-plus years, the formal Treaty of Mutual Cooperation and Security (TMCS) between the United States and Japan has continued to foster stability and security in the region. Initially, a key-contributing factor that allowed the TMCS to be effective at promoting stability and security in the western Pacific theater was Japan’s Constitution, specifically, article 9, which prohibits Japan from maintaining forces for war.

During the past sixty years, circumstances and conditions have evolved in the Western Pacific. During the past ten years, there has been considerable debate in Japan about exercising article 96 of the Japanese Constitution, which allows Japan to amend its own Constitution by a two-thirds vote in each house of the Diet, followed by a corresponding majority vote of the people.<sup>2</sup> Specifically, the discussion has been in regards to amending article 9 of the Japanese Constitution to allow for the force structure to exercise Japan’s right of collective self defense, defined under article 51 of the United Nation’s charter. Such a

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<sup>1</sup> Commander, U.S. Pacific Command, Strategic Guidance; Mission Statement. (Camp Smith, HI: Commander, Pacific Command, 2009), 1.

[http://www.pacom.mil/web/pacom\\_resources/pdf/PACOM%20Strategy%20Sep%202010.pdf](http://www.pacom.mil/web/pacom_resources/pdf/PACOM%20Strategy%20Sep%202010.pdf) (accessed 24 February 2011).

<sup>2</sup> Gisbert H. Flanz, *Constitutions of the Countries of the World: The Constitution of Japan*. (Heidelberg: Max Planck Institute, 2005), 15.

change would produce several consequences on multiple levels to various actors, the scope of which would require volumes of analysis. In regards to PACOM, it is important to assess the impact of an amended Japanese constitution on PACOM's ability to achieve its theater strategic objective of stability and peace. Specifically, how will the principles of joint operations for bilateral operations between PACOM and the Japanese Self Defense Force (JSDF) be affected?

The twelve principles of joint operations are mass, objective, offensive, security, economy of force, maneuver, unity of command (effort), surprise, simplicity, legitimacy, restraint, and perseverance.<sup>3</sup> A revised Japanese Constitution will affect each principle differently. Several of the principles will be strengthened; these include legitimacy, offensive, mass, economy of force, maneuver, and persistence. Thus the majority of the principles of joint operations will be positively affected. An amended article 9 of the Japanese Constitution that specifically allows the force structure and right to exercise collective self-defense will enhance bilateral operations between the JSDF and PACOM by strengthening the principles of joint operations.

Conversely, a few of the principles of joint operations will be adversely affected; these include objective, unity of command (effort), security, simplicity, and restraint. The principle of surprise will remain relatively unaffected. While fewer principles are negatively affected than positively affected, perhaps the magnitude of the effects are greater than the positive affects of the principles listed in the preceding paragraph. If this is the case, PACOM's mission will be hindered by Japan amending their Constitution due to the overall

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<sup>3</sup> Chairman, U.S. Joint Chiefs of Staff, Joint Operations, incorporating change 2, Joint Publication (JP) 3-0 (Washington, DC: CJCS, 22 March 2010), II-2.

aggregate effect on the joint principles of operations for bilateral operations between the JSDF and PACOM. Only by analyzing each principle will the aggregate effect reveal itself.

## **BACKGROUND**

Before evaluating the dynamic of each principle it is important to have a general understanding of certain parts of Japan's Constitution and their respective interruptions, along with the U.S.-Japanese Treaty of Mutual Cooperation and Security (TMCS).

Japan's current Constitution came into existence on May 3<sup>rd</sup>, 1947. As a part of fulfilling the objectives of the 1945 Potsdam Declaration, a vital aspect of the Constitution is the renunciation of war. Chapter II of the Constitution is titled, "Renunciation of War." There is only one article in this chapter, article 9. It reads, "In sincere pursuit of an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes. In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, are not maintained. The right of the belligerency of the state will not be recognized."<sup>4</sup> In 1954, the JSDF was founded. Ever since, the debate has ensued over the gap between the wording of the Constitution and the existence of the JSDF.<sup>5</sup> In 1959, the Supreme Court of Japan ruled in the Sunagawa case that the JSDF was constitutional as long as it was strictly structured for self-defense. Long-range offensive weapons were not permissible.<sup>6</sup>

In 1960, the TMCS was signed between the United States and Japan. This raised the issue of collective self-defense (CSD). Article III of the TMCS states, "The Parties,

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<sup>4</sup> Gisbert H. Flanz, *Constitutions of the Countries of the World: The Constitution of Japan*. (Heidelberg: Max Planck Institute, 2005), 3.

<sup>5</sup> *Ibid*, vi.

<sup>6</sup> *Ibid*, vii.

individually and in cooperation with each other, by means of continuous and effective self-help and mutual aid will maintain and develop, subject to their constitutional provisions, their capacities to resist armed attack.”<sup>7</sup> Cooperation and mutual aid in conjunction with capacities to resist armed attack imply the principle of CSD. Key in this wording is the phrase, “subject to their constitutional provisions.” Thus the limiting factor in this alliance is not the right to exercise CSD, but rather the means to employ it. The Japanese Ministry of Defense currently states, “The Japanese Government believes that the exercise of the right of collective self-defense exceeds the minimum necessary level of self-defense authorized under Article 9 of the Constitution and is not permissible.”<sup>8</sup>

## ANALYSIS

### IMPROVING BILATERAL PRINCIPLES OF JOINT OPERATIONS

PACOM-JSDF operations will be enhanced if Japan amends article 9 of their Constitution by strengthening the bilateral principles of joint operations listed below.

#### Offensive

Joint Publication 3-0 (JP 3-0) declares, “An offensive spirit must be inherent in the conduct of all defensive operations.”<sup>9</sup> It also states, “The purpose of an offensive action is to seize, retain, and exploit the initiative.”<sup>10</sup>

The current JSDF capabilities are limited to the minimum necessary level for self-defense, and any exercise of the right of CSD would exceed this minimum necessary level of

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<sup>7</sup> “Treaty of Mutual Cooperation and Security Between Japan and the United States of America” 19 January 1960, article III, <http://www.mofa.go.jp/region/n-america/us/q&a/ref/1.html> (accessed 24 February 2011).

<sup>8</sup> Ministry of Defense, Fundamental Concepts of National Defense, (Tokyo: Office of the Ministry of Defense, 2010), 1, [http://www.mod.go.jp/e/d\\_act/d\\_policy/dp-1.html](http://www.mod.go.jp/e/d_act/d_policy/dp-1.html) (accessed 03 March 2011).

<sup>9</sup> Chairman, U.S. Joint Chiefs of Staff, Joint Operations, incorporating change 2, Joint Publication (JP) 3-0 (Washington, DC: CJCS, 22 March 2010), A-1.

<sup>10</sup> Ibid, A-1.

force and is therefore not permissible.<sup>11</sup> The JSDF does not possess offensive weapons like intercontinental ballistic missiles, long-range bombers, or aircraft carriers.<sup>12</sup>

During the past few years, there has been a blurring of limited reach forces. In 2010, the Ministry of Defense called for the establishment of aerial refueling (KC-767), an extended range transport aircraft (XC-2), and an enhanced helicopter destroyer (220DDH), as well as continued funding for the advancement of Ballistic Missile Defense (BMD) capabilities.<sup>13</sup> In support of BMD, improvements in and beyond the current SA-3 are under review. With a range in excess of 100nm, the SA-3 is capable of engaging and destroying targets in low orbit around the earth, to include low orbit satellites.<sup>14</sup> The KC-767 will allow the Japanese fighters (F-15s, and F-2s) substantially greater reach. The XC-2 will have a range of approximately 6,500 km (3,510nm) and be capable of deploying airborne units.<sup>15</sup> The 220DDH resembles a scaled down U.S. LHA. At a displacement of 19,500 tons, it is a flattop capable of carrying 9 helicopters on extended range missions. It is primarily designed for overseas missions.<sup>16</sup> Japan is pushing the limits of its minimal force necessary for self-defense.

By amending article 9 of their Constitution, and specifically addressing the right to possess forces necessary to exercise CSD, the uncertainty of interruption could be removed, and a more robust JSDF structure could be developed which would enhance the capabilities

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<sup>11</sup> Ministry of Defense, Defense of Japan 2010, (Tokyo: Office of the Ministry of Defense, 2010), 138, <http://www.mod.go.jp/e/publ/w-paper/2010.html> (accessed 03 March 2011).

<sup>12</sup> Ibid, 161.

<sup>13</sup> Ibid, 159.

<sup>14</sup> U.S. Department of the Navy, An SM-3 (Block 1A) missile is launched from the Japan Maritime Self-Defense Force destroyer JS Kirishima (DD 174), [http://www.navy.mil/view\\_single.asp?id=93439](http://www.navy.mil/view_single.asp?id=93439) (accessed 16 April 2011).

<sup>15</sup> Ministry of Defense, Defense of Japan 2010, (Tokyo: Office of the Ministry of Defense, 2010), 160, [http://www.mod.go.jp/e/publ/w\\_paper/2010.html](http://www.mod.go.jp/e/publ/w_paper/2010.html) (accessed 03 March 2011).

<sup>16</sup> Ibid, 175.

of the U.S.-Japanese Alliance, especially the ability to project power and increase operational reach.

### **Legitimacy**

JP 3-0 states, “The purpose of legitimacy is to develop and maintain the will necessary to attain the national strategic end state. Legitimacy is based on the legality, morality, and rightness of the actions undertaken... Interested audiences may include the foreign nations, civil populations in the operational area, and the participating forces... Committed forces must sustain the legitimacy of the operation and of the host government, where applicable.”<sup>17</sup>

During the past 20 years, Japan has expanded the use of its self-defense force beyond its territories to other parts of the world to include Cambodia, Iraq, Haiti, Pakistan and the Horn of Africa.<sup>18</sup> These Peace Keeping Operations (PKO), were facilitated by the “Law on Cooperation in UN Peace Keeping Operations,” passed by the Diet in 1992.<sup>19</sup> These operations put considerable pressure on the legitimacy of Japan’s actions due to the fact that article 9 states Japan forever renounces the threat or use of force as a means of settling international issues.<sup>20</sup> Thus the legitimacy of any combined operations taken by the U.S. and Japan beyond the territory of Japan will be questioned unless article 9 is amended and specifically states Japan has the right to exercise and maintain forces for self defense and CSD. The principle of legitimacy will benefit greatly from Japan amending their Constitution. The improved international legitimacy will also improve legitimacy

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<sup>17</sup> Chairman, U.S. Joint Chiefs of Staff, Joint Operations, incorporating change 2, Joint Publication (JP) 3-0 (Washington, DC: CJCS, 22 March 2010), A-4.

<sup>18</sup> Defense Minister Toshimi Kitazawa (address, New Year’s Address, Tokyo 04 January 2011).

<sup>19</sup> Gisbert H. Flanz, Constitutions of the Countries of the World: The Constitution of Japan. (Heidelberg: Max Planck Institute, 2005), vii.

<sup>20</sup> Ibid, 3.

domestically, both in Japan and the United States. This synergy will strengthen the will of the Japanese and American people thereby increasing bilateral resolve.

### **Economy of Force**

“The purpose of the economy of force is to allocate minimum essential combat power to secondary efforts.”<sup>21</sup> Under the Guidelines for Japan-U.S. Defense Cooperation, “Japan will conduct all its actions within the limitations of its Constitution... Japan will possess defense capability within the scope necessary for self-defense on the basis of the “National Defense Program Outline.” In order to meet its commitments, the United States will maintain its nuclear deterrent capability, its forward deployed forces in the Asia-Pacific region, and other forces capable of reinforcing those forward deployed forces.”<sup>22</sup>

An amended Constitution would provide Japan with more capability and capacity in its forces. They could alleviate some of the PACOM’s requirements such as the number of forward deployed forces and reduce the reinforcement quantity to Japan, thereby freeing up PACOM forces to be utilized in other non-Japanese operations. This result compliments the benefit to the principle of mass.

### **Mass**

“The purpose of mass is to concentrate the effects of combat power at the most advantageous place and time to produce decisive results.”<sup>23</sup> In accordance with Japan’s 2004 National Defense Program Guidelines (NDPG), Japanese force levels have consistently contracted and will continue to do so. From 1995 to 2004, tanks were reduced from

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<sup>21</sup> Chairman, U.S. Joint Chiefs of Staff, Joint Operations, incorporating change 2, Joint Publication (JP) 3-0 (Washington, DC: CJCS, 22 March 2010), A-2.

<sup>22</sup> Ministry of Foreign Affairs, The Guidelines for Japan-U.S. Defense Cooperation, (Tokyo: Office of the Ministry of Foreign Affairs, 1997), 1, <http://www.mofa.go.jp/region/namerica/us/security/guideline2.html> (accessed 20 February 2011).

<sup>23</sup> Chairman, U.S. Joint Chiefs of Staff, Joint Operations, incorporating change 2, Joint Publication (JP) 3-0 (Washington, DC: CJCS, 22 March 2010), A-1.

approximately 900 to 600, as were artillery/vehicles, from 900 to 600. Manpower decreased from 160,000 to 155,000. The numbers are even more streamlined when compared to 1976 numbers of 180,000 troops, 1,200 tanks, and 1,000 artillery/vehicles.<sup>24</sup> With reduced force levels, the ability to mass forces in a short period of time is curtailed.

Amending article 9 will require Japan to expand its force structure, both in terms of equipment and manning, in order to support CSD and various UN peacekeeping operations. With improved capability and capacity, the JSDF should be able to better “integrate appropriate joint force capabilities where they will have a decisive effect in a short period of time.”<sup>25</sup> The net result will increase the U.S.-Japanese ability to mass forces in future bilateral operations.

### **Maneuver**

“The purpose of maneuver is to place the enemy in a position of disadvantage through the flexible application of combat power.”<sup>26</sup> With the acquisition of the platforms such as the 220DDH and XC-2, Japan is already increasing its operational reach and tempo, which will allow for greater flexibility in the application of combat power. This trend would likely be amplified if Japan was constitutionally allowed to structure itself for CSD. As mentioned under the principle of offensive, the ability to project power and increase operational reach would be improved thereby allowing greater flexibility in operations.

### **Perseverance**

As long as the U.S. forces are not reduced significantly as a result of restructuring in the wake of an amended Japanese Constitution, bilateral perseverance will be strengthened

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<sup>24</sup> Ministry of Defense, Defense of Japan 2010, (Tokyo: Office of the Ministry of Defense, 2010), 157, [http://www.mod.go.jp/e/publ/w\\_paper/2010.html](http://www.mod.go.jp/e/publ/w_paper/2010.html) (accessed 03 March 2011).

<sup>25</sup> Chairman, U.S. Joint Chiefs of Staff, Joint Operations, incorporating change 2, Joint Publication (JP) 3-0 (Washington, DC: CJCS, 22 March 2010), A-1.

<sup>26</sup> Ibid, A-2.

by an expanded JSDF. Even if the MCAS Futenma is shutdown and the III Marine Expeditionary Force (MEF) is relocated to Guam, these forces will still be available for bilateral operations in the region and thus not affect perseverance. Under the principles for coordinated bilateral actions in the Guidelines for Japan-U.S. Defense Cooperation, “Japan will have primary responsibility immediately to take action...The United States will introduce reinforcements in a timely manner, and Japan will establish and maintain the basis to facilitate these deployments.”<sup>27</sup> An enhanced JSDF would be able to further sustain operations and thus compliment bilateral perseverance.

## **DEGRADING BILATERAL PRINCIPLES OF JOINT OPERATIONS**

Amending article 9 of the Japanese Constitution will not positively affect all of the 12 principles of joint operations. The principles listed below will be degraded should Japan utilize article 96 to amend article 9 of their Constitution.

### **Objective**

PACOM’s theater strategic objective is regional stability and peace. Currently, Japan’s security policy contains two objectives: “to prevent direct threats from reaching Japan and to repel them, and to improve the international security environment so as to reduce the chances that threats will reach Japan.”<sup>28</sup> All operational objectives should nest under these strategic objectives. If strategic objectives diverge, mutual operational objectives will be strained. A divergence has not been an issue due to the fact that Japan can only rely upon the United States for CSD. Should Japan’s Constitution be amended and allow for

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<sup>27</sup> Ministry of Foreign Affairs, The Guidelines for Japan-U.S. Defense Cooperation, (Tokyo: Office of the Ministry of Foreign Affairs, 1997), 3, <http://www.mofa.go.jp/region/namerica/us/security/guideline2.html> (accessed 20 February 2011).

<sup>28</sup> Ministry of Defense, Defense of Japan 2010, (Tokyo: Office of the Ministry of Defense, 2010), 149, [http://www.mod.go.jp/e/publ/w\\_paper/2010.html](http://www.mod.go.jp/e/publ/w_paper/2010.html) (accessed 03 March 2011).

broad CSD with nations other than just the United States, seams will likely arise between PACOM's and the JSDF's objectives.

The reliance on the United States for defense could be hedged by other nations if Japan amended its Constitution and allowed CSD. Japan already has strong economic ties and shared basic values with several western nations to include Australia, The United Kingdom, Germany, and France.<sup>29</sup> Under CSD, security issues could be included in these partnerships. Japan has specifically stated one of its security goals is, “achieving broader Japan-North Atlantic Treaty Organization (NATO) cooperation.”<sup>30</sup> In addition to these western nations, Japan is actively pursuing greater collaboration and cooperation with numerous countries to include India, Vietnam, Indonesia, the Republic of Korea (ROK), and Brazil.<sup>31</sup> In January of 2011, Prime Minister of Foreign Affairs, Seiji Maehara specifically highlighted the need for wide spread cooperation with India, to include security, “Japan will cooperate with India on a wide range of issues including economy and security and will further develop the ‘Japan-India Strategic and Global Partnership.’”<sup>32</sup> As for the ROK, the Minister of Defense, Toshimi Kitazawa recently traveled to the ROK to discuss regional security issues. Following his trip, he stated, “For the stability of the Korean Peninsula, Japan-South Korea defense cooperation needs to be stepped up.”<sup>33</sup> He conceded, “Between Japan and the ROK, we have not really reached the level of military cooperation, and the day before yesterday it is not that we agreed on that sort of thing.”<sup>34</sup> Undiscouraged, he pointed

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<sup>29</sup> Minister Seiji Maehara, (Foreign Policy Speech to 177<sup>th</sup> Session of the Diet, Tokyo, 24 January 2011), 3.

<sup>30</sup> Secretary Condoleezza Rice, Secretary Robert Gates, Minister Taro Aso, and Minister Fumio Kyuma, Japan-U.S. Security Consultative Committee (two-plus-two) and Alliance. Joint Statement of the Security Consultative Committee. (Tokyo: Office of the Ministry of Defense, 01 May 2007), 3.

<sup>31</sup> Minister Seiji Maehara, (Foreign Policy Speech to 177<sup>th</sup> Session of the Diet, Tokyo, 24 January 2011), 4.

<sup>32</sup> Ibid, 4.

<sup>33</sup> Minister Toshimi Kitazawa and Secretary Gates, Robert, Japan-U.S. Defense Ministers Joint Press Conference, (Tokyo: 13 January 2011), 2.

<sup>34</sup> Ibid, 3.

out that he was encouraged by the state of the Japan-ROK relationship and believed it was moving in a favorable direction. He pointed out, “What we discussed is that it is very important to have an Acquisition and Cross-Servicing Agreement (ACSA)...We came to the understanding on the part of the ROK on this point.”<sup>35</sup>

As Japan mends its strained relations with its neighbors and seeks greater cooperation and collaboration with multiple nations around the globe, it’s objectives and unity of effort may drift from the interwoven direction historically shared with the United States.

### **Unity of Command (Effort)**

An essential method utilized by PACOM and the JSDF to accomplish their objectives is cooperation with their alliance partners.<sup>36</sup> The Guidelines for Japan-U.S. Defense Cooperation states, “To conduct effective bilateral operations, the two Forces will establish, in advance, procedures which include those to determine the division of roles and missions and to synchronize their operations... U.S. Forces and the Self-Defense forces will closely coordinate operations, intelligence activities, and logistics support through this coordination mechanism including use of a bilateral coordination center.”<sup>37</sup> The attempt to synchronize and coordinate efforts is impressive, yet flawed. In regards to bilateral operations, there is not a true unity of command. The command structure is neither integrated nor lead-nation, but rather parallel. “U.S. Forces and the Self-Defense Forces, in close cooperation, will take action through their respective command-and-control channels.”<sup>38</sup> The alliance’s established

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<sup>35</sup> Ibid, 4.

<sup>36</sup> Commander, U.S. Pacific Command, Strategic Guidance; Commander’s Intent, (Camp Smith, HI: 2009), [http://www.pacom.mil/web/pacom\\_resources/pdf/PACOM%20Strategy%20Sep%202010.pdf](http://www.pacom.mil/web/pacom_resources/pdf/PACOM%20Strategy%20Sep%202010.pdf) (accessed 24 February 2011).

<sup>37</sup> Ministry of Foreign Affairs, The Guidelines for Japan-U.S. Defense Cooperation, (Tokyo: Office of the Ministry of Foreign Affairs, 1997), 4, <http://www.mofa.go.jp/region/namerica/us/security/guideline2.html> (accessed 20 February 2011).

<sup>38</sup> Ibid, 4.

parallel command structure is unlikely to change from amending the Constitution, however it would likely be further strained.

If the Japanese Constitution allowed for the ability to exercise CSD, several security agreements could be made with various nations, thereby reducing the level of effort to align security operations with just the United States, as stated in the TMCS.

## **Security**

Initially, amending article 9 would likely enhance security. BMD capabilities are already expanding. Further improvements in intelligence (SIGINT, ELINT, MASINT, etc.) combined with farther reaching missiles would improve security for bilateral operations in the region. This operational advantage would likely be offset by China, who is already suspicious of U.S-Japanese activities. One of several examples is from Major General Peng Guangqian, deputy secretary general of the National Security Policy Committee of the China Policy Science Studies Association. He warned against, “The United States proclaiming that the US-Japan ‘security treaty’ applies to Diaoyu Island, China's territory.”<sup>39</sup> It is likely Chinese operations (informational, political, etc.) would strategically offset the U.S.-Japanese operational advantage of amending article 9. Militarily, any expansion of U.S.-Japanese BMD will motivate China to refine its Ballistic Missile (BM) strike capability. In China’s National Defense 2010 white paper, China stated, “Following the principle of building a lean and effective force, the PLA Second Artillery Force (PLASAF) strives to push forward its modernization and improves its capabilities in rapid reaction, penetration, precision strike,

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<sup>39</sup> Doug Ruifeng, "Outlook for Sino-US Military Relations Before the 'Hu-Obama Meeting.'" (Beijing Liaowang [in Chinese], 17 January 2011, No. 3), 25-27, [https://www.opensource.gov/portal/server.pt/gateway/PTARGS\\_0\\_0\\_200\\_203\\_121123\\_43/content/Display/CP20110127787009#index=14&searchKey=4612037&rpp=10](https://www.opensource.gov/portal/server.pt/gateway/PTARGS_0_0_200_203_121123_43/content/Display/CP20110127787009#index=14&searchKey=4612037&rpp=10) (accessed 03 March 2011).

damage infliction, protection, and survivability”<sup>40</sup> In essence, a limited arms race between BM and BMD is occurring and will only escalate should Japan amend its Constitution.

### **Simplicity**

A more robust Japanese military, in terms of capability and capacity, will not simplify matters. The simplicity of bilateral operations will remain the same at best, but will likely become more complex. Due to the fact that Japan only relies on the U.S. for defense, the majority of effort on multinational operations has been primarily bilateral. Any expansion of CSD will create seams with other Japanese alliances/agreements thereby complicating U.S.-Japanese bilateral operations. When a Taiwanese naval officer was asked how he thought an amended Japanese Constitution would affect U.S.-Japanese operations in the region, after a long pause, he simply stated, “It would complicate matters.”<sup>41</sup> Bilateral operations would need to be designed with multinational considerations, thereby complicating operations.

### **Restraint**

Strategically, an amended Japanese Constitution will not be perceived as restraint in the theater. Several nations could see it as cause (or excuse) for escalation. In regards to the joint principles of operations, Japan may be less likely to exercise the restraint it has displayed since the conclusion of WWII. Joint Publication 3-0 states, “A single act could cause significant military and political consequences; therefore, judicious use of force is necessary. Restraint requires the careful and disciplined balancing of the need for security, the conduct of military operations, and the national strategic end state.”<sup>42</sup> In the wake of the

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<sup>40</sup> Information Office of China's State Council, China's National Defense in 2010, (Beijing: Information Office of the State Council, 31 March 2011), <http://gd.china-embassy.org/eng/zyxw/t815028.htm> (accessed 02 April 2011).

<sup>41</sup> Chen-ya Sung, personal conversation with author, 04 April 2011.

<sup>42</sup> Chairman, U.S. Joint Chiefs of Staff, Joint Operations, incorporating change 2, Joint Publication (JP) 3-0 (Washington, DC: CJCS, 22 March 2010), A-3.

horrendous tragedy from the earthquake and subsequent tsunami on the 10<sup>th</sup> of March 2011, two consequences could reduce Japan's willingness to exercise restraint during tense situations. The two factors are nationalism and energy concerns.

Historically, Japanese nationalism has always been extremely powerful. Today, it remains a powerful trait innate in Japanese culture. During Minister Maehara's address to the Diet in January of 2011, he concluded his remarks by drawing on the pride of the Japanese, "We should not forget that the power of individual Japanese people will be the driving force. It was the originality and independent initiative of the people that created Japan of today. If we seek to establish a new Japan for tomorrow, and shape a new order in Asia and the world with this price and spirit, we can turn the current challenges into a chance. I am determined at that we are able to open a future if each of us acts with resolve."<sup>43</sup>

The last time Japan suffered a natural calamity remotely as severe as the recent earthquake/tsunami was in 1923. After the earthquake of 1923, politicians rallied the nation by championing nationalism and ultimately militarism.<sup>44</sup> The massive suffering united the people and amplified nationalism. Following the current tragedy, a renewed sense of nationalism is likely to occur.

A renewed demand for foreign energy may occur as well. Prior to 10 March 2011, 11% of Japan's energy came from nuclear reactors.<sup>45</sup> With the shutdown of the Fukushima Daiichi plant that percentage has already decreased. If national debate concludes with a call to further decrease the use of nuclear energy, Japanese demand for foreign energy imports of oil, gas, and coal will surge. In order to secure its flow of energy, Japan is likely to be more

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<sup>43</sup> Minister Seiji Maehara, (Foreign Policy Speech to 177<sup>th</sup> Session of the Diet, Tokyo, 24 January 2011), 5.

<sup>44</sup> "The Fallout," The Economist 398, no. 8725 (19 March 2011): 15-16.

<sup>45</sup> Bryan Walsh. "The Gas Dilemma," Time, 177, no. 14. (11 April 2011), 40-48.

on edge and ready to use force to defend its energy. Minister Maehara stressed the importance of deepening its relationship with Vietnam and strengthening its strategic partnership with Indonesia.<sup>46</sup> Japan has also been more suspicious of foreign infringement on Japanese national water space. On 14 September 2008, the Maritime Self-Defense Force (MSDF) destroyer Atago pursued a suspected submarine in its territorial waters after sighting a periscope.<sup>47</sup> On 07 September 2010, the MSDF boarded and seized a Chinese fishing vessel after it collided with two of its patrol craft in water space disputed between Japan and China.<sup>48</sup> External factors may make it increasingly hard for Japan to exercise restraint.

## CONCLUSION

The greatest benefits from Japan amending article 9 of their Constitution to the principles of joint operations between the United States and Japan would be legitimacy, offensive, and mass. By removing the self-imposed restraint on force structure, the Japanese could significantly enhance their forces' capabilities and capacities in order to exercise their right of CSD. Future bilateral operations between the United States and Japan would have a much greater ability to offensively mass forces in more diverse operations. Even more importantly, an amended article 9 would clarify the design and scope of Japanese forces, thus eliminating the need for interpretation. By eliminating interpretation, caustic domestic debate would curtail and improve national resolve. The benefit to the principle of legitimacy would be substantial. Unfortunately for the Japanese-U.S. alliance, expanding domestic legitimacy, along with the ability to mass greater forces in an offensive manner negatively

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<sup>46</sup> Minister Seiji Maehara, (Foreign Policy Speech to 177<sup>th</sup> Session of the Diet, Tokyo, 24 January 2011), 4-5.

<sup>47</sup> Ministry of Defense, Incident Concerning Detection of an Unidentified Submarine, (Tokyo: Office of the Ministry of Defense, 14 September 2008). <http://www.mod.go.jp/e/about/remarks/2008/press20080914.html> (accessed 27 March 2011).

<sup>48</sup> Peter Ford, "China Japan territorial spat over a fishing boat flares" (The Christian Science Monitor 10 September 2010), <http://www.csmonitor.com/World/2010/0910/China-Japan-territorial-spat-over-a-fishing-boat-flares> (accessed 23 April 2011).

affects most nations in the Western Pacific theater. The negative perceptions and reactions would have a destabilizing effect on the region. This is the exact opposite of the desired effect PACOM strives to achieve, peace and stability in the region.<sup>49</sup> The negative effects at the theater-strategic level would likely offset what might be good for the Japanese-U.S. alliance at the operational level.

Further degrading peace and stability in the region would be the degradation to several of the U.S.-Japanese principles of joint operations. Operationally security could be challenged by a BM-BMD arms race. If Japan is able to exercise CSD, it is likely Japan would form additional alliances. This would leverage Japan's ability to influence objectives in bilateral operations with the United States due to the fact Japan would have other options to hedge against the United States if their objectives did not perfectly align with U.S. objectives. This circumstance could also cause strain on unity of command (effort) and simplicity. In the wake of the monumental tragedy of the earthquake and tsunami, greater pressure will be placed on maintaining secure resources, particularly energy. Hypersensitivity for resources in Japan may adversely affect operational restraint. Should Japan have the forces and ability to exercise CSD, there will be even less pressure to maintain operational restraint during bilateral operations with the United States.

An amended Japanese Constitution allowing for the ability and right to exercise collective self-defense will not strengthen the principals of joint operations of bilateral operations between JSDF and PACOM, in fact, it will weaken them. The degrading effect on the principles of objective, unity of command (effort), security, simplicity, and restraint are

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<sup>49</sup> Commander, U.S. Pacific Command, Strategic Guidance; Mission Statement. (Camp Smith, HI: Commander, Pacific Command, 2009), 1.  
[http://www.pacom.mil/web/pacom\\_resources/pdf/PACOM%20Strategy%20Sep%202010.pdf](http://www.pacom.mil/web/pacom_resources/pdf/PACOM%20Strategy%20Sep%202010.pdf) (accessed 24 February 2011).

far greater than the enhancements to legitimacy, offensive, mass, economy of force, maneuver, and persistence. The end result will be decreased stability in the region should Japan amend its Constitution.

## **RECOMMENDATIONS**

Following the tenets of respect, rapport, knowledge of partners, patience, and coordination, PACOM forces can defuse the pressure to enhance the JSDF via an amended Constitution. United States Forces Japan (USFJ) must continue to promote a harmonious relationship not only with the JSDF but the local Japanese people as well. Public support from the Japanese people is essential for continued operational excellence. Serious thought and effort must be applied to the “Realignment Roadmap,” which aims to, “enhance U.S. and Japanese public support for the security alliance.”<sup>50</sup> Exercises such as Operation Keen Sword should continue to emphasize the United States’ capabilities and dedication to Japan, and thus reassuring both the people and leaders of Japan there is no need for change.<sup>51</sup> The Japanese Government, JSDF, and people must never question the United States’ commitment to their security, both in terms of capability and capacity.

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<sup>50</sup> Secretary Condoleezza Rice, Secretary Robert Gates, Minister Taro Aso, and Minister Fumio Kyuma, Japan-U.S. Security Consultative Committee (two-plus-two) and Alliance. Joint Statement of the Security Consultative Committee. (Tokyo: Office of the Ministry of Defense, 01 May 2007), 3.

<sup>51</sup> Gen Ryocichi Oriki and Rice, Edward, “Joint Press Release by General Ryoichi Oriki, Chief of Staff, Joint Staff, and Lt. Gen. Edward A. Rice, Jr., Commander, U.S. Forces, Japan on the Conclusion of Keen Edge 10” Yokota: USFJ PAO, 29 January 2010).

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